

LAGOMARSINO LAW
 3005 W. Horizon Ridge Pkwy, #241, Henderson, Nevada 89052
 Telephone (702) 383-2864 Facsimile (702) 383-0065

1 **LAGOMARSINO LAW**
 2 ANDRE M. LAGOMARSINO, ESQ. (#6711)
 3 TAYLOR N. JORGENSEN, ESQ. (#16259)
 4 3005 West Horizon Ridge Pkwy., Suite 241
 5 Henderson, Nevada 89052
 6 Telephone: (702) 383-2864
 Facsimile: (702) 383-0065
 aml@lagomarsinolaw.com
 taylor@lagomarsinolaw.com
Attorneys for Plaintiff John Doe

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 JOHN DOE, a minor, by and through JANE
 10 DOE, his natural mother and legal guardian;

CASE NO.: 2:23-cv-00334-APG-DJA

11 Plaintiff,

12 vs.

13 COURTNEY BILLUPS, an individual; and
 14 CLARK COUNTY SCHOOL DISTRICT, a
 political subdivision of the State of Nevada;

15 Defendants.

STIPULATION AND [PROPOSED]
ORDER TO STAY DISCOVERY

16 IT IS HEREBY STIPULATED AND AGREED between the parties, in accordance with LR
 17 26-3, that discovery, and all associated deadlines, be stayed pending formal mediation. This
 18 Stipulation is supported by good cause, is the Parties' fifth request and not for the purpose of delay.

19 **I. DISCOVERY COMPLETED TO DATE**

20 The parties have completed the following discovery to date: exchanged their initial Rule 26
 21 Disclosures and supplements thereto. Per the Court's requirements, the specific discovery conducted
 22 is delineated below:

- 23 • Plaintiff served a first set of requests for production, request for admission, and interrogatories
 to Defendant Billups and CCSD on May 3, 2023.
- 24 • On May 11, 2023, Plaintiff, Defendant Billups, and Defendant CCSD served their initial
 disclosures.
- 25 • Defendant Billups served his First Supplemental Disclosure on June 20, 2023
- 26 • Defendant Billups served his responses to Plaintiff's First set of requests for production,
 request for admission, and interrogatories on June 21, 2023.
- 27 • Defendant CCSD served its First Supplemental Disclosure on June 30, 2023.

- 1 • Defendant CCSD served its responses to Plaintiff's first set of requests for production, request
for admission, and interrogatories on July 3, 2023.
- 2 • Defendant CCSD served its Amended Initial and Amended First Supplemental Disclosures
on August 22, 2023.
- 3 • Defendant CCSD served its first set of requests for production, and interrogatories to Plaintiff
on August 22, 2023.
- 4 • Defendant CCSD served its Second Supplemental Disclosure on September 15, 2023.
- 5 • Defendant Courtney Billups's deposition took place on September 25, 2023.
- 6 • Plaintiff served his Second Supplemental Disclosure on September 25, 2023.
- 7 • Plaintiff served his response to Defendant CCSD's first set of requests for production and
interrogatories on September 25, 2023.
- 8 • Plaintiff served a second set of requests for production and interrogatories to Defendant CCSD
on October 4, 2023.
- 9 • Jane Doe's and Plaintiff's depositions were taken on October 11, 2023.
- 10 • Defendant CCSD served its Third Supplemental Disclosure on October 12, 2023.
- 11 • Defendant CCSD served responses to Plaintiff's second set of requests for production and
interrogatories and its Fourth Supplemental Disclosure on October 20, 2023.
- 12 • Defendant CCSD took the deposition of Plaintiff's grandmother, Vanessa Anderson, on
December 6, 2023.
- 13 • On January 2, 2024, Magistrate Judge Albrecht granted Defendant CCSD's Motion to Release
FERPA Protected Student Information, allowing release of FERPA protected student
information after notice to parents with opportunity for parent objection.
- 14 • Plaintiff served his Third Supplemental Disclosure on January 10, 2024.
- 15 • Defendant CCSD served its Fifth Supplemental Disclosure on February 1, 2024.

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II. DISCOVERY YET TO BE COMPLETED

The Parties have yet to complete the following discovery:

- depositions of the named parties, including 30(b)(6) depositions;
- depositions of witnesses identified by the parties;
- expert witness disclosures;
- rebuttal expert witness disclosures;
- expert witness depositions;
- additional written discovery which may include written discovery between the parties;
- additional subpoenas to third parties; and
- record gathering in response to authorizations sought from Plaintiff

The Parties reserve the right to conduct additional discovery that is permitted by the United States Rules of Civil Procedure.

III. LEGAL STANDARD AND REASONING

The Court has the inherent power to control its docket, including the discretion to stay proceedings. *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936). The determination of whether to stay proceedings is best determined by weighing the competing interests of the parties and the Court. *Id.* “Among those competing interests are the possible damage which may result from the granting of a stay, the hardship or inequity which a party may suffer in being required to go forward, and the orderly course of justice measured in terms of the simplifying or complicating of issues, proof, and questions of law which could be expected to result from a stay.” *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir.2005).

Here, there is a general understanding of the potential for settlement, and all parties believe a good faith effort in settlement conference may achieve settlement. All parties would like to avoid incurring the expense of proceeding with the remaining discovery if it can be avoided through settlement. The parties' independent negotiations have failed but the parties believe a court settlement conference may be helpful to achieve a settlement agreement. This stipulation represents the shared

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1 interests of the parties. Additionally, it would be beneficial to the Court and its docket if the parties
2 are able to achieve a settlement agreement during the period of the stay. As such, the parties seek to
3 stay discovery pending the completion of a court settlement conference.

4 DATED this 6th day of February, 2024.

5 **LAGOMARSINO LAW**

6 */s/ Taylor Jorgensen*
7 ANDRE M. LAGOMARSINO, ESQ. (#6711)
8 CORY M. FORD, ESQ. (#15042)
9 TAYLOR N. JORGENSEN, ESQ. (#16259)
10 3005 W. Horizon Ridge Pkwy., #241
Henderson, Nevada 89052
Telephone: (702) 383-2864
Facsimile: (702) 383-0065
Attorneys for Plaintiff John Doe

11 DATED this 6th day of February, 2024.

12 **OLSON CANNON GORMLEY &
STOBERSKI**

13 */s/ Stephanie Barker*
14 THOMAS DILLARD, ESQ. (#6270)
15 STEPHANIE A. BARKER, ESQ. (#3176)
16 950 West Cheyenne Avenue
Las Vegas, Nevada 89129
Telephone: (702) 384-4012
Facsimile: (702) 383-0701
Attorneys for Defendant CCSD

19 DATED this 6th day of February, 2024.

20 **MARQUIS AURBACH**

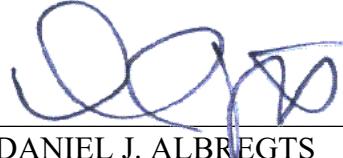
21 */s/ Jackie Nichols*
22 CRAIG ANDERSON, ESQ. (#6882)
JACKIE NICHOLS, ESQ. (#14246)
10001 Park Run Drive
Las Vegas, NV 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
Attorneys for Defendant Courtney Billups

23 **ORDER**

24 Based upon the foregoing Stipulation of the Parties, and for good cause appearing therefore,
IT IS HEREBY ORDERED that discovery in this case, and all related deadlines, are STAYED
25 pending the completion of a court settlement conference.

26 IT IS FURTHER ORDERED that, in the event the parties do not reach a settlement, they shall file
27 a stipulation to extend discovery deadlines fourteen days after the unsuccessful settlement
conference.

28 DATED: February 7, 2024


29 DANIEL J. ALBRECHTS
30 UNITED STATES MAGISTRATE JUDGE